UNITED STATE DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

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)	No. 3:09-CV-337
)	(SHIRLEY)
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MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 10]. On March 31, 2010, the Court entered a Memorandum and Order [Doc. 52] excluding a large part of the testimony of John Joseph Rinehart, M.D.— specifically, opinions addressing whether Mr. Gieringer's cancer could have been treated with less intrusive surgery and without chemotherapy, if it had been discovered earlier.

On April 1, 2010, the Plaintiffs filed a Motion for Voluntary Dismissal Without Prejudice [Doc. 53]. The Plaintiffs are seeking voluntary dismissal based upon the exclusion of the above-described opinions. Counsel for the Defendants has represented to the Court that the Defendants have no objection to the Plaintiffs' request for a voluntary dismissal without prejudice.

Based upon the foregoing, the Court finds that the Motion for Voluntary Dismissal Without Prejudice [Doc. 53] is well-taken, and it is GRANTED. This case is DISMISSED WITHOUT

PREJUDICE. The trial of this matter, scheduled to take place April 13, 2010, is CANCELLED.

Each party shall bear the costs it incurred in this litigation.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge